IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 42 of 1998

Between:

M. Yamini Devi W/o M. Krishna Rao,
M.I.G. 511, K.P.H.B. Colony, Kukatpally,
Rangareddy District.

..... PETITIONER

AND

1. The Executive Engineer,

A.P. Housing Board, North Division,
Bharat Nagar Colony, Hyderabad.
Ranga Reddy District.

2 The Kukatpally Municipal Council,

rep., by its Commissioner,
Kukatpally, Rangareddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in seeking to remove the petitioner's bunk in which milk booth business is running at M.I.G. 511 margin, Kukatpally Housing Board Colony, Kukatpally municipality limits as illegal, arbitrary and void and consequently direct Respondent; not to remove the milk booth bunk (dabba) and allow to continue the petitioner to run the business at the above said place.

Counsel for the Petitioner: Mr. K.NAGESWARA REDDY

Counsel for the Respondents: Mr. J.PRABHAKAR(SC FOR A.P.HOUSING BOARD)

The Court made the following:

ORDER:

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The grievance of the petitioner is that the A.P. Dairy Development Corporation Federation Limited, allotted her a milk booth No.1892 to supply milk packets at K.P.H.B., MIG-C Colony, Kukatpally, and accordingly, she is carrying on the said business in the place allotted to her. Subsequently, she also obtained electricity connection. However, another milk vendor by name, Ramakoteswara Rao, who was having a milk booth No.1891, sold away the said business to the petitioner and the petitioner after paying amount to the said Ramakoteswara Rao, on 12-12-1997, started carrying on milk business in the said booth also. It is her further contention that she invested huge amounts for purchasing the required furniture etc., However, the respondents, without any authority whatsoever, and even without issuing any notice, are threatening to remove the milk booth including the furniture. Hence, the present Writ Petition has been preferred.

2. This Court, by its order dated 02-01-1998, while issuing Rule nisi, directed the respondents to maintain Status quo until further orders.

3. Heard the learned counsel for the petitioner.

4. No counter has been filed on behalf of the respondents.

5. From the above, it is clear that the respondents, without issuing any notice with regard to the alleged contravention etc., are trying to interfere with the peaceful possession of the petitioner and also with her business. If the action of the petitioner is contrary to the terms and conditions of the respondents-federation, they can definitely initiate action against her, but, however, the same shall be in accordance with law. As the grievance of the petitioner is that no prior notice is given, I hereby direct the respondents to issue notice to the petitioner and if they find any illegality, then they can proceed further in initiating necessary action against the petitioner in accordance with law.

6. Accordingly, the Writ Petition is disposed of.

(GOPALAKRISHNA TAMADA)

13th December, 2004.

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To

1. The Executive Engineer,

A.P. Housing Board, North Division,
Bharat Nagar Colony, Hyderabad.
Ranga Reddy District.

2. The Kukatpally Municipal Council,

rep., by its Commissioner,
Kukatpally, Rangareddy District.

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